

REMARKS

By this Amendment, claims 1-19 are pending.

In the Office Action of February 26, 2003, the Examiner rejected claims 1-15 as being unpatentable over Kim et al (5,507,189) in view of Tsui et al (6,339,958). This rejection is respectfully traversed.

Kim et al discloses an apparatus for evaluating plain strain stretch formability for automotive steel sheets. A rectangular sample is clamped between dies 9 and 10. Claims 1 and 10 specify that the sample is secured to a top of a column whereas Kim discloses securing the sample between dies 9, 10. Also, the claims specify that the stylus is moved downwardly until the sample ruptures. In the apparatus of Kim, the stylus 21 is raised. This means that the dies have to be positioned over the raising mechanism for the stylus resulting in a different apparatus than one where a stylus is lowered into a cylinder.

The Examiner has relied upon Tsui et al for a material tester that lowers an indenter and penetrating a sample including an aperture in the bottom of a column for vacuum protection. Tsui et al discloses an adhesion strength tester having a substrate with a sample adhered thereto. The substrate is softer than the sample and the indenter tip is lowered until the sample delaminates from the substrate. There is no column as the indenter forms a depression in the substrate before delamination occurs. There is also no disclosure of an aperture in the bottom of a column. In addition to these shortcomings, Tsui et al discloses an apparatus for testing the adhesion strength of a hard, thin film to a soft substrate is not analogous to Kim et al disclosing an apparatus for evaluating plain strain stretch formability. One of ordinary skill in the art, after considering the Kim et al disclosure of testing sheet metal strength before rupture would not be motivated to consider a disclosure having a test of adhesion strength of a film to a substrate.

Neither Kim et al or Tsui et al discloses attaching a sample to a substrate and lowering a stylus until the stylus

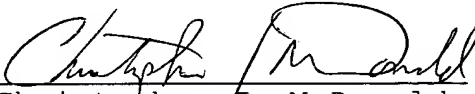
noted
as column

contacts the substrate and then lowering the stylus through the sample until rupture.

The claims are allowable over the prior art and favorable action is eagerly and earnestly solicited. If any issues remain and the Examiner believes a telephone conversation will resolve such issues, the Examiner is urged to contact the undersigned attorney.

If any fees are due and owing, the Commissioner is authorized to charge Deposit Account 08-2455.

Respectfully submitted,


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Reg. 41,533

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